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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,085	01/16/2004	Takashi Takahashi	017498-0172	5271

22428 7590 10/10/2006

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EXAMINER	
SCHATZ, CHRISTOPHER	
ART UNIT	**PAPER NUMBER**
1733	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,085	TAKAHASHI, TAKASHI	
	Examiner	Art Unit	
	Christopher T. Schatz	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5 and 6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5 and 6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

FINAL REJECTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. '275 in view of Aketagawa et al. '670.

Kobayashi et al. discloses a method for manufacturing an optical member which is a laminated optical member including plural lenses, the method comprising: filling a fluorine-based organic compound between the plural lenses; and sealing the whole periphery of the plural lenses with an organic solvent-soluble amorphous fluorine resin (column 8, line 47, column 9, line 33) having an adhesion so as to seal the organic compound filled between the plural lenses, the fluorine-based organic compound having one of applicant's claimed formula's (see table 3). The reference is silent as to a method wherein the plural lenses are comprised of quartz and fluorite. However, assembling a quartz and fluorite lens is well known in the art as disclosed Aketagawa et al. Aketagawa et al. discloses that it is advantageous to use a quartz and fluorite lens because doing so enables the assembled optical member to be used in different optical systems (column 8, lines 1-18). At the time of the invention it would have been obvious to one of ordinary skill in the art to use fluorite and quartz lens members in Kobayashi et al.'s method as taught by Aketagawa et al. As to the phrase "the optical member being used in the UV region,"

applicant is notified that the phrase does not recite a positive method step and thus does not further limit the claims.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. (2002/0034646) in view of Kobayashi et al. '275.

Takahashi et al. discloses a method for manufacturing an optical member which is a laminated optical member including plural lenses to be used in the UV region of 100nm to 200nm, the method comprising: filling a fluorine-based organic compound between the plural lenses, one lens comprising quartz and one lens comprising fluorite; and sealing the whole periphery of the plural lenses with a sealant having an adhesion so as to seal the organic compound filled between the plural lenses, the fluorine-based organic compound having one of applicant's claimed formula's (paragraphs 0011, 0012, 0019, 0023-0034). Takahashi et al. further discloses that the sealant can be an epoxy resin. The reference is silent however, as to the use of an organic solvent-soluble amorphous fluorine-resin. Kobayashi et al. is directed to a method of sealing two lens as discussed above and the reference further discloses an epoxy and an organic solvent-soluble amorphous fluorine resin are well known alternatives for sealing the periphery of two lens injected with a fluorine containing resin (column 8, lines 45-47). At the time of the invention it would have been obvious to one of ordinary skill in the art to replace the epoxy resin of Takahashi et al. with an organic solvent-soluble amorphous fluorine resin as said resins are well known alternatives as taught by Kobayashi et al. above.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. and Aketagawa et al. as applied above, and in further view of Kato et al. (2002/0035024)

Kobayashi et al. and Aketagawa et al. disclose a method as stated above, but the references are silent as to a method wherein a fluoride is evaporated. Kato discloses that it known in the art to evaporate a fluoride on the surface of a lens in order to form films that control diffraction (paragraph 0094). At the time of the invention it would have been obvious to a person of ordinary skill in the art to evaporate a fluoride on the surface of at least one of the lenses of Kobayashi et al. as taught by Kato above.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. and Kobayashi et al. as applied above, and in further view of Kato et al. (2002/0035024)

Takahashi et al. and Kobayashi et al. disclose a method as stated above, but the references are silent as to a method wherein a fluoride is evaporated. Kato discloses that it known in the art to evaporate a fluoride on the surface of a lens in order to form films that control diffraction (paragraph 0094). At the time of the invention it would have been obvious to a person of ordinary skill in the art to evaporate a fluoride on the surface of at least one of the lenses of Takahashi et al. as taught by Kato above.

Response to Arguments

Applicant's arguments with respect to claims 5 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher T. Schatz** whose telephone number is **571-272-1456**. The examiner can normally be reached on 8:00-5:30, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher T. Schatz

RICHARD CRISPINO
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